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TITLE 30**ENVIRONMENTAL QUALITY****PART 1****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****CHAPTER 106****PERMITS BY RULE****SUBCHAPTER U****TANKS, STORAGE, AND LOADING****RULE §106.472****Organic and Inorganic Liquid Loading and Unloading**

Liquid loading or unloading equipment for railcars, tank trucks, or drums; storage containers, reservoirs, tanks; and change of service of material loaded, unloaded, or stored is permitted by rule, provided that no visible emissions result and the chemicals loaded, unloaded, or stored are limited to:

(1) the following list: asphalt, resins, soaps, lube oils, fuel oils, waxes, polymers, detergents, lube oil additives, kerosene, wax emulsions, vegetable oils, greases, animal fats, and diesel fuels;

(2) water or wastewater;

(3) aqueous salt solutions;

(4) aqueous caustic solutions, except ammonia solutions;

(5) inorganic acids except oleum, hydrofluoric, and hydrochloric acids;

(6) aqueous ammonia solutions if vented through a water scrubber;

(7) hydrochloric acid if vented through a water scrubber;

(8) acetic acid if vented through a water scrubber;

(9) organic liquids having an initial boiling point of 300 degrees Fahrenheit or greater. Facilities loading, unloading, or storing butyric acid, isobutyric acid, methacrylic acid, mercaptans, croton oil, 2-methyl styrene, or any other compound with an initial boiling point of 300 degrees Fahrenheit or greater listed in 40 Code of Federal Regulations 261, Appendix VIII shall be located at least 500 feet from any recreational area or residence or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the facility is located.

Source Note: The provisions of this §106.472 adopted to be effective March 14, 1997, 22 TexReg 2439; amended to be effective September 4, 2000, 25 TexReg 8653

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TITLE 30**ENVIRONMENTAL QUALITY****PART 1****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****CHAPTER 106****PERMITS BY RULE****SUBCHAPTER V****THERMAL CONTROL DEVICES****RULE §106.492****Flares**

Smokeless gas flares which meet the following conditions of this section are permitted by rule:

(1) design requirements.

(A) The flare shall be equipped with a flare tip designed to provide good mixing with air, flame stability, and a tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1,000 British thermal units per cubic foot (Btu/ft³) or a tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1,000 Btu/ft³.

(B) The flare shall be equipped with a continuously burning pilot or other automatic ignition system that assures gas ignition and provides immediate notification of appropriate personnel when the ignition system ceases to function. A gas flare which emits no more than 4.0 pounds per hour (lb/hr) of reduced sulfur compounds, excluding sulfur oxides, is exempted from the immediate notification requirement, provided the emission point height meets the requirements of §106.352(4) of this title (relating to Oil and Gas Production Facilities).

(C) A flare which burns gases containing more than 24 parts per million by volume (ppmv) of sulfur, chlorine, or compounds containing either element shall be located at least 1/4 mile from any recreational area or residence or other structure not occupied or used solely by the owner or operator of the flare or the owner of the property upon which the flare is located.

(D) The heat release of a flare which emits sulfur dioxide (SO²) or hydrogen chloride (HCl) shall be greater than or equal to the following values:

Attached Graphic

(2) operational conditions.

(A) The flare shall burn a combustible mixture of gases containing only carbon, hydrogen, nitrogen, oxygen, sulfur, chlorine, or compounds derived from these elements. When the gas stream to be burned has a net or lower heating value of more than 200 Btu/ft³ prior to the addition of air, it may be considered combustible.

(B) A flare which burns gases containing more than 24 ppmv of sulfur, chlorine, or compounds containing either element shall be registered with the commission's Office of Permitting, Remediation, and Registration in Austin using Form PI-7 prior to construction of a new flare or prior to the use of an existing flare for the new service.

(C) Under no circumstances shall liquids be burned in the flare.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 2, 2010

(b) (6), (b) (7)
(C)

2700 Post Oak Blvd., Ste 1120
Houston, Texas 77056
Via U.S. mail, copy via electronic mail

(b) (6), (b) (7)(C)

Crain, Caton & James, P.C.
5 Houston Center
1401 McKinney, Ste. 1700
Houston, Texas 77010
Via U.S. mail, copy via electronic mail

Re: *Port Arthur Chemical & Environmental Services, LLC*, Case No.10-36978; U.S. Bankruptcy Court, Southern District of Texas, Houston Division (Emergency Motion for Order Authorizing Sale of Personal Property of Debtor Outside the Ordinary Course of Business- Dkt. 66).

Dear (b) (6), (b) (7)

Following up on our prior conversations about the Debtor's Emergency Motion Authorizing Sale of Personal Property to Chemical Recovery Technologies ("CRT") (Dkt. 66), the Texas Commission on Environmental Quality ("TCEQ") believes that the naphthenic acid and lube oil additive that are the subject of the proposed sale agreement are unlawfully at the site and must be removed. Therefore, the TCEQ fully supports the removal of the naphthenic acid and lube oil additive from the site as soon as possible.

In light of the TCEQ's support for the removal and your inclusion of certain language in the proposed form of order,¹ the TCEQ has elected not to file an objection to the proposed sale. However, the TCEQ's failure to formally object does not constitute approval (1) of the transaction as proposed; (2) of the authority claimed by the debtor or Chemical Recovery Technologies to handle, store, sell, possess, process, or transfer the chemical materials at issue;

¹To wit, "Notwithstanding anything to the contrary in any purchase agreement or order authorizing the sale of the Property, nothing in any such agreement or order (i) releases or nullifies any liability to the Texas Commission on Environmental Quality ("TCEQ") under statutes or regulations; (ii) modifies the obligations of the Debtor or CRT to comply with applicable regulations and statutes concerning the Property; or (iii) impairs or restricts the TCEQ's ability to pursue all of its rights and remedies in any court against any entity with regard to handling the Property."

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